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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/830,085

04/23/2004

Shoya Tanaka

723-1510

9228

27562

7590

03/14/2008

NIXON & VANDERHYE, P.C.

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ARLINGTON, VA 22203

EXAMINER

NGUYEN, DAT

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

03/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/830,085	<b>Applicant(s)</b> TANAKA ET AL.	
	<b>Examiner</b> DAT T. NGUYEN	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/14/07, 08/10/07</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is responsive to the amendments filed on 09/14/2007 in which applicant amends claims 1-3, 7-22, 24-26 and 28-33 and responds to claim rejections. Claims 1-33 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9, 13, 14, 16, 17, 19-23, 26, 27 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darling (WO 93/23125) in view of Kim (US 2002/0160838).

The rejection as stated in the previous office action dated 06/14/2007 is maintained, modified and incorporated herein.

The combination of the prior art would produce the predictable result of a multiplayer game with a plurality of game apparatuses exchanging information and processing item transactions in the claimed manner without a central server as taught by Darling. Further, Darling teaches that although there is no central server/host, the game apparatuses each take turn acting as server/host and transmit all of their information including that of position and character parameters such as lives, strength, possessions (emphasis added), etc. (page 8, 9 and 15). Darling also further teaches

that items can be transferred between players and that such information must be communicated to all players for the game to operate (page 10).

Kim teaches the use of game data designators, exchange condition setters and other methods and devices to facilitate the exchange of items in a game. A more thorough discussion of the teachings of Kim can be found in the previous office action which is incorporated herein.

When the prior art is combined, there is no need for a central server because one of ordinary skill in the art would know that Darling's system does not require a central server because it already possesses the capability of exchanging items without said server. For a system to possess such capability, each machine must have an up-to-date listing of the possessions of other players on the network and the capability to transfer items. Both of which has already been shown to be found in Darling. Furthermore, the server of Kim can be interpreted as the revolving master server of Darling (wherein all the machines in the network take turns acting as a master/server device as discussed above) and so the communications and exchange of items takes place between the game apparatus and not a server.

Claims 8, 10-12, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darling/Kim and further in view of Yoshizawa (US 6,045,477).

The rejection as stated in the previous office action dated 06/14/2007 is maintained, modified and incorporated herein.

Claims 24, 25, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darling/Kim and further in view of Haartsen (US 6,804,542)

The rejection as stated in the previous office action dated 06/14/2007 is maintained, modified and incorporated herein.

***Response to Arguments***

Applicant's arguments filed 09/14/2007 have been fully considered but they are not persuasive.

Applicant alleges that the prior art of Kim requires a server to store content on a database and that the server determines if the trade conditions are met and therefore if combined with Darling, the system would require a central database and server to run the trade. The examiner respectfully disagrees, as discussed in the above rejection, the combination does not require a separate central server since each machine in the system of Darling takes turns acting as a server (master device) and so a separate central database would not be necessary. Rather, it would be obvious to one of ordinary skill in the art that the combination would not need a separate central server since such a server would be redundant.

Furthermore, the examiner would also like to note that the claims as they are currently presented do not require for the game machines to make the determination as the applicant is arguing. Rather they only require that the game machines communicate the decision. There is no language in the claim that requires the game units to determine any condition as applicant is arguing. Therefore, the alleged system with a sever that applicant is arguing for (which the examiner does not believe to be true as stated above) still meets the claimed limitation in that if there is any decision to be

made, it must be communicated to and by the game machines (the claims require only communication of a decision, not the determination).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAT T. NGUYEN whose telephone number is (571)272-2178. The examiner can normally be reached on M-F 8am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Primary Examiner, Art Unit 3714

Dat Nguyen

<div><b><i>Application Number</i></b></div> <div></div>	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>	
	10/830,085	TANAKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DAT T. NGUYEN	3714	